

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 927 of 1996

in

SPECIAL CIVIL APPLICATION No 5435 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.
2. To be referred to the Reporter or not?- No.
3. Whether Their Lordships wish to see the fair copy of the judgement? - No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?- No.
5. Whether it is to be circulated to the Civil Judge?- No.

HERIS OF DECEASED DADHABHAI BHAGWANBHAI

Versus

STATE OF GUJARAT

Appearance:

MR JITENDRA M PATEL for Appellant.

Mr.Kamal Mehta, AGP, for respondents Nos. 1 and 2.

CORAM : THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

Date of decision: 02/09/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. Mr.Kamal Mehta, AGP, appears and waives service of notice of admission on behalf of respondents Nos.1 and 2.

The appellant challenges the order of the learned single Judge, whereby Special Civil Application is rejected solely on the ground that the same was instituted ten-and-half months after the Tribunal made the impugned order. In fact, the Tribunal had disposed of the Revision filed by the appellant on 1st of September, 1995 and Special Civil Application was presented in this Court on 23rd July, 1996. In the facts and circumstances of the case, we do not think that the petition could have been rejected merely because it was filed ten-and-half months after the date of the order, on the ground that, that delay was "inordinate". Hence, impugned order dated 26th July, 1996 made in Special Civil Application No.5435 of 1996 is quashed and set aside. Learned single Judge to hear Special Civil Application No.5435 of 1996, on admission, on its own merits.

Appeal accordingly is allowed. There shall be no order as to costs.

2nd September, 1996 (G.D. Kamat, C.J.)

(C.K. Thakkar, J.)

(apj)